

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

BATTLE MOUNTAIN BAND of the TE-)
MOAK TRIBE OF WESTERN SHOSHONE)
INDIANS,)
Plaintiff,)
v.)
U.S. BUREAU OF LAND MANAGEMENT,)
and JILL SILVEY, in her official capacity as)
Bureau of Land Management Elko District)
Manager,)
Defendants,)
and)
CARLIN RESOURCES, LLC,)
Defendant-Intervenor)
and Crossclaimant.)

) Case No. 3:16-cv-0268 LRH-WGC
DEFENDANTS' JOINT MOTION FOR
EXTENSION OF TIME (Third Request)
AND ORDER THEREON

1 On May 18, 2020, counsel for Defendant-Intervenor/Cross-Claimant Carlin/Hecla
2 (Hecla) and Federal Defendants filed a Joint Motion for Extension of Time (ECF No. 134)
3 extending deadlines for lodging of the administrative record and for summary judgment briefing
4 in this case brought pursuant to the Administrative Procedure Act, 5 U.S.C. § 706 *et seq.* This
5 Joint Motion for Extension of Time was granted by the Court on May 28, 2020 (ECF No. 135).
6 The Motion for Extension of Time indicated that Hecla would file its opening Motion for
7 Summary Judgment on July 15, 2020. On July 8, 2020, counsel for defendants filed another
8 joint motion for extension of time (ECF No. 136) reporting that the parties were continuing to
9 make progress on the settlement of the claims in this case, which may avoid the need for further
10 proceedings and indicating that Hecla would file its opening Motion for Summary Judgment on
11 September 14, 2020. The joint motion was granted by the Court on July 8, 2020 (ECF No. 137).

12 The parties have continued their discussions and made some further progress. Although
13 the parties have not reached a settlement, that process has taken longer than anticipated in light
14 of logistical constraints caused by the COVID-19 pandemic and the unavailability of various
15 participants.

16 Thus, Hecla and the Federal Defendants hereby move to extend the deadlines for
17 summary judgment briefing in this case by an additional 15 days for the opening summary
18 judgment motions. Hecla and the Federal Defendants further seek to clarify that such briefing
19 will be limited to Hecla's cross claims given that the joint status report and scheduling orders
20 submitted have only involved the Federal Defendants.

21 The following deadlines would apply:

- 22 1. Helca to File Motion for Summary Judgment: **September 29, 2020**
- 23 2. Federal Defendants to file Cross-Motion for Summary Judgment and Opposition to
24 Summary Judgment: **November 13, 2020**
- 25 3. Hecla to file Opposition to Cross-Motion for Summary Judgment and Reply in Support
26 of Motion for Summary Judgment: **December 14, 2020**

1 4. Federal Defendants to file Reply in Support of Cross-Motion for Summary Judgment:

2 **January 12, 2021.**

3 DATED this 11th day of September, 2020

4 By: /s/ Laura K. Granier

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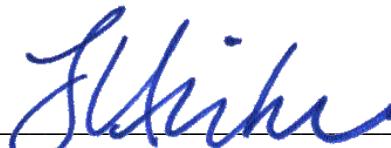
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28 *Attorneys for Federal Defendants*

23 **O R D E R**

24 IT IS SO ORDERED.

25 DATED this 17th day of September, 2020.

26 
27 LARRY R. HICKS
28 UNITED STATES DISTRICT JUDGE